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AUTHOR Warner, Linda Sue
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ABSTRACT

Recent significant developments in the study of dispute resolution in education are presented in this paper, which traces the connection between academic research, teaching, and the practice of dispute resolution in general. The first part critically surveys the theoretical bases of other disciplines of inquiry and describes what works and does not work in public education. The next part offers a cross-sectional review of the methods of dispute resolution used at the elementary, secondary, and higher levels of education. Finally, efforts to incorporate successful strategies at multiple levels are reviewed, highlighting examples of successful programs. Current field practices are addressed in a discussion of conflict resolution as it relates to racial and multicultural issues. Dispute resolution techniques for dealing with racial and cultural conflict are important skills for administrators. (25 references) (LMI)

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Dispute Resolution in Education

Linda Sue Warner
University of Kansas, Lawrence, Kansas

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Abstract

This presentation will highlight some of the significant recent developments in education and the study of dispute resolution. The presentation will trace the connection between academic research, teaching, and the practice of dispute resolution in general. Dispute resolution techniques for dealing with racial and cultural conflict are important skills for administrators and in light of the fact that dispute resolution in education has appeared to gain credibility and support in the last few years, this area will be highlighted. The conference supports the building of a community. In viewing the decision-making process in terms of equity and equality, dispute resolution in public schools may provide an avenue that would prepare us for a global perspective of education, as well as a powerful tool for change.

Dispute Resolution in Education

The conference theme calls for a building of community. In viewing the decision-making process in terms of equity and equality, dispute resolution in public schools may provide an avenue that would prepare us for a global perspective of education, as well as a powerful tool for change. In the past decades, dispute resolution programs and curricula in educational institutions ranging from elementary schools to professional management courses has begun and continued to increase. Currently there are approximately 2,000 conflict resolution school programs in every state in the country (Fn'Piere, 1991). Teachers, school administrators, and legislative policy makers have begun to attend to the value of training youth in dispute resolution methods. This movement values student responsibility and provides students with the tools used in dispute resolution in order that they might manage their own conflicts.

Purpose

This presentation will highlight some of the significant recent developments in education and the study of dispute resolution. The presentation will trace the connection between academic research, teaching, and the practice of dispute resolution in general. Dispute resolution techniques for dealing with racial or cultural conflict are important skills for administrators. As our educational systems witness conflicts involving racial and cultural differences, evidence is pervasive that truancy is epidemic and violence erupts at all levels. This session will survey critically the theoretical bases established in other disciplines of inquiry and describe what is working in public education and what is not.

The methods employed in this session include a cross-sectional review of the methods of dispute resolution at various levels of education including, but not limited to elementary education, secondary education, and higher education. Finally, this session will review efforts to incorporate successful strategies at multiple levels. Examples of successful programs in use will be highlighted. A discussion of conflict resolution as it relates to racial and multi-cultural issues will address current field practice.

Review of Related Literature

The study of dispute resolution has been centered in areas other than education. In fact, education, as a setting for dispute resolution, has only been fairly recently added to the environments in which theories of dispute resolution have been tested. Using a quick review of business and management research journals, one is able to identify the common themes in dispute resolution.

In one of the most recent studies of mediation of conflict, Lim and Carnevale (1990) identified structural dimensions of mediation and analyzed contingencies among them from the perspective of a mediator. Subjects were chosen randomly from 1,193 members of the Society of Professionals in Dispute Resolution, an international organization of professionals involved in labor-management, organizational, and other kinds of disputes. Only members who were professional mediators and who had been involved in mediation within the last 12 months completed the survey. Two hundred fifty-five mediators (21 %) participated in the study.

Mediators responded to a survey that asked them to recall their most recently completed mediation case. Using 5 point rating scales, they rated the extent that 24 potential sources of dispute were a problem in that case and the extent to which 19 outcomes were attained. The mediators also were asked to provide background information about the case.

Confirmatory factor analyses were conducted on mediators' ratings of their use of tactics. This tested the hypothesized factor structure for mediation tactics. The 43 x 43 correlation matrix of the tactic variables was analyzed by the LISREL VI method to obtain maximum likelihood estimates of the loadings of the tactics on the hypothesized tactic factors. The indices provided a chi-square statistic.

The data suggested that mediators not only classify mediation tactics into basic types, but also classify dispute situation and mediation outcomes into basic types. The data provided evidence for the generality of mediators' perceived contingent use of individual tactics across a variety of dispute contexts. Data supported the proposition that male mediators were more likely to use

substantive/press tactics than female mediators. Additional analyses suggested that this sex difference was not due to a possible difference in the types of disputes that men and were were likely to mediate. Most importantly, evidence pointed to some tactics being perceived as contingently effective. This implied the use of substantive suggestions as intrusive and thus counterproductive when hostility is low, but welcome and, thus effective, for face-saving reasons when hostility is high. Finally, results indicated that suggesting specific settlements may add fuel to an already inflamed situation produced by inexperienced negotiation teams, particularly if they did not act with a clear team leader.

Karambayya and Brett (1989) used a sample of M.B.A. students who were taking an elective course on managerial negotiations to study simulation exercises in dispute resolution. One simulation was an intraorganizational dispute between two department heads over hiring; the second involved a dispute between two bank vice-presidents over the handling of a commercial loan; and the third case was an interorganizational dispute between two corporations which had earlier entered into an agreement. The students were grouped and assigned to work on the simulated exercises for 45 minutes before declaring an impasse. At the end of the time, the students who had role-played the disputants completed questionnaires. The measures focused on procedural justice, distributive justice, the type of resolution, and the third party role. Responses were on a five point scale ranging from "strongly disagree" to "strongly agree". The researchers used a factor analysis, canonical correlation, and hierarchical regression to study the results.

In this study, the disputants whose third party played a mediational role were more likely to reach a compromise solution, and they judged the procedure to be more fair than disputants whose third party played one or more of the roles. Managerial third parties who took an inquisitive role also tended to use the motivational role. The study showed that mediation leads to fair outcomes and is itself perceived to be a fair procedure.

Another study on conflict, outside the field of education, addressed interpersonal conflict at work (Volkema and Bergmann,

1989). The study directed the participants' attention to a single conflict in which they recently had been involved. A total of 263 people employed in 31 job categories participated in the study. Twenty-three different industries, with an average of 118 employees, were represented. One hundred and thirty of the respondents were male and 133 were female. The average age was 22. The participants were business students at a midwestern university. Subjects were asked to respond based on a conflict they were currently or recently engaged in at work. Two types of statistical analyses were performed. The first was a calculation of means for the four categories of responses. By plotting the means within each category for each of the 21 responses, groupings were identified. The second analysis, a cluster analysis, was performed. Correlation coefficients were determined. Analyses suggested that a group of seven responses, which were labeled emotive, were strongly aligned. Additionally, a set of confrontive responses and a set of withdrawal responses were seen. Other groupings were less apparent.

In research which examined the dimensional structure underlying the strategies used in conflict, Daves and Holland (1989) based their work on assumptions about the structure of conflict. They felt that a clear picture of the structure was necessary for the development of an effective means for assessing conflict propensities in individuals. This, they felt, was necessary for understanding and productive management of conflict behavior.

Their research involved 174 managers and their 927 subordinates from two different organizations. One organization was a private sector company specializing in financial services and investments of a relatively high-risk nature and the other organization was a quasi-governmental agency whose mission involved high volume, short time frames, and frequent crises.

Self reports were made by the managers and their subordinates. Subjects responded to 25 behavioral statements. Managers were asked to give numerical responses indicating how they behaved when resolving a conflict; their subordinates were

asked to give numerical responses indicating how their managers behaved when resolving conflicts.

Principal factor analyses were performed on items, followed by orthogonal rotation and oblique rotations. The items loading heavily on a factor were subjected to further analysis to identify internally consistent scales to measure the factors. Coefficient alpha was calculated and the combination yielding the highest coefficient was retained.

Forcing (competing), compromising, and confronting (collaborating) were the most highly valued strategies in conflict management style. Thus, there was agreement between the self- and subordinate ratings as the structure of conflict behavior. Additionally, there was evidence for agreement between subordinates and managers with respect to conflict management styles, but the evidence was not impressive. Finally, smoothing over the conflict and openness were not associated in the subordinate reports. This suggested that two different constructs may be involved, depending upon where one is considering oneself or someone else.

Research in other areas has also highlighted decision-making as a focal point for dispute resolution. Schweiger, Sandberg, and Rechner (1989) investigated how useful programmed conflict approaches were for managers making strategic decisions. They further looked at how much time these approaches require, particularly since top management time is costly; and finally, they studied how much experience with the different approaches affect performance, group members' reactions, and time requirements.

The sample for this population was 120 middle and upper-middle level managers from three division of a Fortune 500 company. The divisions were consumer electronics, industrial electronics, and medical technology. One hundred twenty individuals were randomly selected from the company's in-house executive development program on strategic management. The participants' average age was 36 and they had had an average of eight years of managerial experience. Thirty-eight were women and 82 were men.

All of the participants were involved in some aspect of divisional or corporate strategic planning at the time of the study.

Procedures for the study included a three-session module on strategic decision making conducted over five days of the executive development program. The module involved one strategy formulation to ensure participants' exposure to concepts of dispute resolution.

In the module's first session, participants used either dialectical inquiry, devil's advocacy, or consensus approaches to solve a case. On the fourth day, they repeated the process to solve a second case, and on the fifth day the senior participant led a session which discussed both cases and the three approaches. Two strategic management cases were used in this study. Participants were instructed to analyze the company's situation and address recommendations to one specific person and to state supporting facts and assumptions.

Statistical analyses included a repeated-measures analysis of variance (ANOVA), a repeated measure multivariate analysis of variance (MANOVA), a one tailed planned t-test to test directional hypotheses, and Tukey's honesty significant difference tests to explore nondirectional hypotheses.

No statistical differences were found between dialectical inquiry and devil's advocacy. The authors concluded that differences between the two were less substantial than some theorists have believed. The study further found that experience improved performance for groups using all three approaches suggesting that experience improves performance equally for the three group approaches studied here.

Also, dialectical inquiry and devil's advocacy consumed more meeting time than the consensus approach, but the differences were significant only in the first session suggesting that groups gain procedural efficiency with modest experience in the two conflict approaches. The consensus approach made for greater acceptance of group decisions than either of the other approaches.

Educational Research

The interest in dispute resolution within educational settings has intensified at a remarkable rate over the last 10 years.to the point that Rifkin (1991) has characterized it as "a thriving national movement." This movement has influenced all educational systems in the increasing tendency to institutionalize mediation and other dispute resolution programs through curricular design. The primary reasons that this trend has continued to accelerate has been this critical response to the acceptance of dysfunctioning legal, social, and educational systems.

Equally responsible has been a coalition of educators, some rooted in particular religious traditions, but all with a commitment to teaching young people non-violent responses to conflict. Such groups, for example, Educators for Social Responsibility, have used conflict resolution to teach young people about violence in contemporary society. Conflict resolution in primary and secondary schools is thriving. In 1984, educators had begun pioneering efforts in San Francisco, New York, and Cleveland. From these three early efforts, more than two thousand programs are registered with the National Association of Mediation in Education.

Elementary Education

There is also substantial programmatic activity at the elementary level. Most elementary programs use the same concepts, techniques, and teaching strategies as secondary schools or adult programs. For elementary schools, the goals are accomplished on three levels: classroom management, training, and curricular reinforcement. Teachers are the role models for both effective and ineffective conflict resolution. One project example is the Community Boards' Conflict Managers Program that conducts training in schools throughout the country to teach young children from the third grade up how to function as mediators for playground and other related conflicts (Rifkin, 1991). Another program uses the "peaceable classroom" approach. The approach has five qualities or themes: cooperation, communication, expression of feelings, appreciation for diversity, and conflict resolution Elementary programs tend to focus on improving the classroom climate as a way to facilitate conflict

resolution. Therefore, while the programs often differ, they usually have three goals in common :

--skill building in non-violent resolution;
--constructive analysis of conflict;
--transformation of schooling to facilitate nonviolent conflict resolution.

Elementary curriculum approaches include the use of active and interactive approaches, such as puppets, role-plays, small group games, discussions and drawing activities. Children practice skills including brainstorming, problem-solving, active listening, group decision-making, negotiating and mediating. The goal is to help children acquire these decision-making skills. Students also explore such concepts as win-win resolutions, escalation, de-escalation, the difference between conflict and violence, and the idea that conflict can be constructive (Kriedler, 1991).

Conflict resolution skills and concepts are generally added to such classes as social studies, science, reading, and language arts, mathematics. This approach highlights the complex social and international nature of conflict (Kriedler, 1991). Assessment of this technique includes the evaluation that students who have a better understanding of conflict at a personal level are able to apply that understanding to larger conflicts.

Research in early childhood education provides evidence that preschoolers are able to distinguish and understand different types of social conflict. In a study by DiMartino (1990), preschoolers were able to distinguish conflicts of 1) morality; 2) social convention; 3) safety; and 4) institutional rules.

For elementary schools, conflict resolution includes the use of studies of corporal punishment. Masheder (1987) examined its use in schools and concluded that democratic education precluded its use. Another aspect of conflict resolution in elementary schools has been through the use of student mediation programs (Cahoon, 1988).

One of the opportunities found in current elementary schools is that of shared decision making. Conflict results, however, because the constituents of the schools had normed behavior which included authoritarian governance. In efforts to move to team management,

conflict and risk-taking behaviors had to be changed (Meadows, 1990).

The majority of work done in elementary schools which emphasizes conflict resolution attempts to redefine values. Cooperative learning and interpersonal skill building are often seen as preliminary to conflict resolution (Nattiv, et al, 1989).

Secondary Education

At the secondary level, programs emphasize peer mediation. These programs require extensive mediation training, as well as curriculum reinforcement. Typically, the conflicts involve student-related disputes, e.g., interpersonal fights, gang problems, student government conflicts, and students' complaints about teachers. Experimental programs which use mediation for truancy problems require a collaboration among courts, social services, and schools (Rifkin, 1991). These programs are relatively unassessed to date.

In secondary education, programs have been developed and set in public schools which focus on issues-oriented policy administration (Hahn, 1990). Issues-oriented public policy education is seen as addressing audiences as individuals and families, agencies and businesses, and government. Its primary focus is to help communities move through the policy-making process to achieve resolution. Further, it provides technical information in terms of training in leadership, group dynamics, and conflict management.

At the secondary level, the use of social studies and the study of democracy as a social and political system is often the focus of conflict resolution programs. These programs identify the cornerstone of democracy as the sovereignty of the people and individual rights. In exploring the guardianship role of education in protecting democracy, Kaltsounis (1990) found that by providing democratic citizenship education, students were able to assess values more clearly.

In 1990, Massialas analyzed how schools and social studies curricula could involve students in democratic decision-making. He believed that empowering students through participation in the classroom and school decision-making, as well as through

involvement in local government affairs should replace current curricula.

Higher Education

At the college level, the work that has been done on conflict resolution has focused on the influence of time on mediation. Computer-based experimental simulations of negotiation and dispute resolution can be found in management schools (Conlon, 1989). Other work in law schools has attempted to link "narratives" and the relationship of people within those narratives to the law in order for students to become initiated into the legal system.

Mediation and negotiation training is available on more than 100 college campuses and programs continue to increase in number. Typically, mediation services are offered for a range of campus disputes. The most common campus disputes are: sexual harassment, roommate conflicts, campus/community tensions. Racial and multi-cultural conflict are rarely mediated at this level, and while a few programs have begun to assess this area, it is largely unexplored.

In many campus programs, mediation has been increasingly utilized by residence hall personnel. Often staff training programs require units on mediation or dispute resolution techniques. A study conducted at the University of Massachusetts at Amherst compared the conflict resolution strategies of residence assistants trained in mediation with those who were not trained. The results revealed that mediation was used successfully by staff in the intervention of dormitory conflict (Rifkin, 1991).

Finally, many campuses have incorporated mediation as an optional first step of their formal grievance processes. Mediation is reported to appeal to a high number of individual grievants who prefer the more confidential and less public mediation forum to that of the more protracted, formal proceeding. Mediation on college campuses can be seen at a variety of levels in the formal organizational structure of campus life.

Trends

Research in the area of dispute resolution which has attempted to discriminate on the basis of gender are usually complex studies of discourse and socialization. Goodwin (1990) examined boys' and girls' use of stories to restructure social identities within encounters. She found that boys tended to use stories to continue an ongoing argument while changing the dispute. Girls used stories to restructure the alignments of participants in the current interaction. Other examples of gender research and conflict resolution include work done in high school administration.

Emphasis on conflict resolution programs for elementary through secondary has changed as the focus of the conflict has changed. Administrator-parent conflict has been researched (Margolis, 1988) and increasingly the focus on school administration to proact has produced programs of mediation or arbitration. Margolis (1990) identified the origins of parent-school conflict and proposed that empathetic listening, trust building, and systematic, as well as intuitive modes of problem-solving are required.

In general, student mediators, disputants, faculty, administration, and parents represent conflict resolution programs as being successful. Less fighting, lower suspension rates, and improved school climate are reported in the evaluations. The problems with the programs, however, include lack of efforts to adequately institutionalize them with the school system. Further the programs are often conducted by outside trainers and coordinators (Rifkin, 1991). In efforts to institutionalize mediation or conflict resolution to the central mission of the school system, outside experts can be a problem.

Another problem with mediation and conflict resolution techniques has been the reluctance of administrators to use the process for conflicts involving racial violence and other human rights conflicts. Mediation is a process for the resolution of individual conflict and not structure conflict , yet in order for it to have any long term impact, the assumption of individual vs structure needs to be evaluated.

Finally, there is an obvious lack of any longitudinal data. The evaluation criteria for mediation and conflict resolution programs in education need to be reviewed, as well as restructured, in order to provide consistent measures of progress. Methodology for evaluation should include projects which have multiple year data.

Dispute resolution in education has appeared to gain credibility and support in the last decade. It is clear that schools at all levels recognize the practical and philosophical value of using dispute resolution processes for management of conflict. As educators seek to reform schools, particularly those schools which data indicate will be more diverse in culture and ethnicity for the 21st century, it becomes obvious that emphases on resolution of conflict will remain a priority.

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